

From: Arthur P. Smith
To: Microsoft ATR
Date: 12/10/01 12:30pm
Subject: Microsoft Settlement

I'm writing to express my views that the settlement proposal from the Department of Justice in the Microsoft anti-trust case is inadequate, and given past behavior by the company is almost certain to be ignored, circumvented, or used to further rather than to retard the monopolistic anti-competitive practices the company has been found guilty of. In particular there appear to be provisions that give the company additional advantages over the very competition that Microsoft has most recently cited as its most serious, namely the free or "open source" software movement, which has grown to a position of prominence in the server operating system and applications market with the popular Linux operating system, Apache web server, Sendmail mail software, Bind domain name servers, and thousands of other less prominent tools developed by the internet community. The philosophy of the companies and organizations that support these excellent tools is quite different from that of Microsoft: since the software itself is freely available, the intellectual property and licensing issues are very different, and companies like RedHat and recently even IBM have been quite successful doing business on the support and packaging side. And some of the organizations providing support are even not-for-profit, such as the Apache Software Foundation and the Free Software Foundation, funded by contributions from other companies and organizations that find their work useful.

But the proposed agreement includes strong language (Section III(J)(2), I have been told, and III(D)) that appears to exclude any requirement for Microsoft to work with these not-for-profit organizations, or any company that doesn't meet standards "established by Microsoft for certifying the authenticity and viability of its business".

As a non-profit publishing organization receiving contributions from authors throughout the US and around the world, we have long been plagued by the obscure nature of Microsoft's document product line, which appears to have been deliberately constructed in ways that make it not only extremely difficult to inter-operate with other vendor's software, but even with different versions of itself (Word on Macintosh vs. Windows, the many different versions of Windows, the many different versions of Word itself). In my personal estimation these problems are currently costing our organization on the order of \$1 million per year in hand-work required to either process paper versions of these documents, or in addressing and attempting to fix incompatibilities in the differing electronic versions we receive, to convert to our final XML publishing format. Almost all of that cost could be saved if Microsoft's document formats were less deliberately obscure, and more openly available

and easily interoperable with other publishing formats.

Microsoft's monopoly power has severe negative consequences for us in this one area, but I know there are many others who are affected even more severely. It was our hope that the anti-trust trial, which exposed considerable wrong-doing by the company, would result in remedies that would provide us some relief. This appears not to be the case, unless the proposed agreement is significantly amended.

Thankyou for listening to my complaints,

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